

REMARKS

This is in response to the Office Action dated September 1, 2009. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendment, claims 10 and 12 (now claim 11) are amended. Thus, claims 1-11 are currently pending in the present application.

1. Obviousness-Double Patenting Rejection

On pages 2-5 of the Office Action, claims 1-10 are rejected on the ground of nonstatutory obviousness-type double patenting in view of claims 1-10 of U.S. Patent No. 6,370,253. In response, a terminal disclaimer in compliance with 37 CFR 1.321(c) is submitted herewith. Thus, it is submitted that the obviousness-type double patenting rejection of claims 1-10 is now overcome.

2. Objection to Claim 12

On page 5 (item 3) of the Office Action, claim 12 is objected to because it should have been numbered “11” as per 37 CFR 1.126. Accordingly, this claim has been renumbered as claim 11, thereby obviating the objection.

3. Rejection under 35 U.S.C. 112

On page 5 (items 4-5) of the Office Action, claims 3 and 12 are rejected under 35 U.S.C. 112, second paragraph. In response, claims 3 and 12 (now claim 11) have been amended to change the language “the sound filter” to -- the second filter --. Note that the second filter has antecedent basis in independent claim 1. In view of the above amendments, it is submitted that the rejection of claims 3 and 12 is now clearly obviated.

4. Amendments to the Specification and Abstract

The specification and abstract have been reviewed and revised in order to make a number of minor editorial amendments. To facilitate entry of the amendments, a substitute specification and abstract has been prepared. No new matter has been added. Also enclosed is a “marked-up” copy of the original specification and abstract to show the changes that have been incorporated

into the substitute specification and abstract. The enclosed copy is entitled "Version with Markings to Show Changes Made."

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In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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